

SOLE SOURCE (BRAND NAME) JUSTIFICATION

(PTAG 6.1.1)

Program Office:	OCIO	Program Office POC:	David Armah
Title of Procurement:	RedHat & JBOSS Annual Support Subscriptions		
Contracting Officer:	Kristin Fuller	Contracting Activity:	USPTO Office of Procurement
Contracting Officer Phone:	(571) 272-7878	PR Number:	IQ 284P1750335

1. Description of the Action

This purpose of this Brand Name Justification (BNJ) is to purchase RedHat & JBoss annual support subscriptions. This action will be Firm Fixed Price. This requirement will be for one year base and three one year option periods for an estimated total of \$16,000,000.00, and will be solicited as a HUB Zone set-aside using the procedures outlined in PTAG 6.1.1.

2. Description of the Supplies/Services

The middleware supported environments include the Development (DEV), System Integration Testing (SIT), Functional Quality Testing (FQT), Production Verification Testing (PVT), and production, these environments host more than 150 applications.

The annual support subscriptions provide software, updates and support for the following products:

Item Number	Part Number	Description	Qty
1	MW2689800RN	RedHat JBoss Web Server ELS Program with Management, 64 Core Premium Support (24 x 7 phone and web support), 1 year subscription	14
2	MW0161758RN	JBoss Enterprise Application Platform, Managed, 64 Core Premium Support (24 x7 phone and web support), 1 year subscription	23
3	MW0257747RN	JBoss Enterprise Web Server, Managed, 64 Core Premium Support (24 x 7 phone and web support), 1 year subscription	11

4	MW2250092RN	RedHat JBoss Fuse with Management, 64 Core Premium Support (24 x 7 phone and web support), 1 year subscription	1
5	MCT1350	Technical Account Management for JBoss Enterprise Middleware includes 4 points of contact, 1 year subscription	1
6	MCT0369RN	RedHat Satellite Capsule Server, 1 year subscription	50
7	SVADD001	Technical Account Management for RedHat Enterprise Linux includes 4 points of contact, 1 year subscription	1
8	RH00009RN	RedHat Enterprise Linux Server with Smart Management Standard (9 x 5 phone and web support) (Physical or Virtual Nodes), 1 year subscription	250
9	RH00008RN	RedHat Enterprise Linux Server with Smart Management, Premium (Physical or Virtual Nodes) (24 x 7 phone and web support), 1 year subscription	160
10	RH0923296RN	RedHat Enterprise Linux Workstation, Premium Support (24 x 7 phone and web support), 1 year subscription	10
11	MCT0370RN	RedHat Satellite, 1 year subscription	3
12	MCT2844	RedHat Cloud Infrastructure, Premium Support (24 x 7 phone and web support) (2-sockets), 1 year subscription	120
13	MCT2859	RedHat Cloud Infrastructure, Standard Support (9 x 5 phone and web support) (2-sockets), 1 year subscription	202
14	RH00595	RedHat Cloud Suite (2-sockets), Standard 9 x 5 phone and web support, 1 year subscription	10
15	RH00594	RedHat Cloud Suite (2-sockets), Premium 24 x 7 phone and web support, 1 year subscription	5
16	RS00038	RedHat Ceph Storage, Premium (up to 1PB on a maximum of 50 physical nodes)	1

3. Statutory Authority

This action is being executed under the authority delineated in PTAG 6.1.1 'Alternative Competition Method'.

4. Unique Vendor Qualifications or Nature of the Acquisition

- The RedHat product suite has been implemented at USPTO since 2008. Since 2008, the products have been incorporated into many systems and environments at the USPTO. In order to support the USPTO's Next Generation systems such as Patents End-to-End (PE2E), Trademarks Next Generation (TMNG), Fee Processing Next Generation (FPNG) and to keep the applications running smoothly, it is vital to the USPTO's IT operations to renew the annual support subscriptions licenses with RedHat and obtain additional subscriptions as needed.
- The use of another vendor's product would require an entire overhaul of the USPTO's PE2E, TMNG, FPNG, MyUSPTO systems including redesign and redevelopment of the existing platforms at an estimated cost that would exceed \$25,000,000.00.
- Changing from RedHat would also result in product non-conformity and increased training and maintenance costs.
- Additionally, USPTO must currently maintain the existing systems. Continuing with RedHat will ensure minimal interruptions and provide seamless integration and performance. Any benefits that could be gained by changing to a different vendor and associated product would be negated by the cost of making the change, is not feasible, and would not be recoverable.

5. Efforts to solicit as many potential sources as possible

Per the Market Survey/Market Research, four (4) HUB Zone resellers of the RedHat product have been identified. Obtaining competition after exclusion of sources will result in the best pricing and delivery for the RedHat product.

6. Determination by the Contracting Officer that anticipated cost will be fair and reasonable

The anticipated cost of this acquisition will be fair and reasonable as evidenced by the signature of the Contracting Officer, and as ensured by limited competition. Detailed documentation and justification of price reasonableness will be disclosed in the Acquisition Form Documentation (AFD) to be prepared upon completion of negotiations.

7. Market Research

Market Research conducted by the program office and contract specialist has determined that, in accordance with FAR 19.1305, there are currently four (4) HUB Zone RedHat resellers who can reasonably be expected to submit quotes in response to the RFQ, and therefore, this procurement should be set aside for certified HUBZone vendors:

- 1) CSF Technologies
- 2) ATS Associates
- 3) Discipline Consulting
- 4) Zapata Technology

8. Other Facts Supporting the Justification

The SSJ supporting the award of the current Redhat license agreement to Red River Computer Co. specifically states that the strategy for the following procurement would be full-and-open after setting aside for small/disadvantaged businesses.

9. Listing of sources that expressed interest in writing

None.

10. Actions to remove or overcome barriers to competition

No actions are planned at this time. The four (4) identified HUB Zone resellers will ensure an adequate level of competition.

11. Contracting Officer's certification

The contracting officer's signature on the signature page evidences that he/she has determined this document to be both accurate and complete to the best of his/her knowledge and belief.

12. Program Office certification of completeness and accuracy

As evidenced by their signatures on the signature page, the technical and/or requirements personnel have certified that any supporting data contained herein which is their responsibility are both accurate and complete.

13. Approving Official determination

The approving official's signature on the signature page evidences that he/she has determined that the circumstances outlined in PTAG 6.1.1 apply to this action.

BRAND NAME JUSTIFICATION (BNJ)
COORDINATION AND APPROVAL PAGE
(between \$13,500,000 and \$68,000,000)

Contracting Activity: USPTO Office of Procurement

Purchase Request Number: 284P1750335


Program Name: Enterprise Platform Services Division/Platform Services Branch

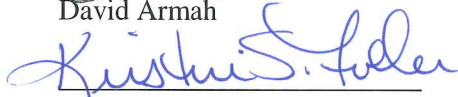
Estimated Price of the Order (w/options): \$16,000,000.00

Authority: PTAG 6.1.1


Type Determination: Individual

Concurrence:

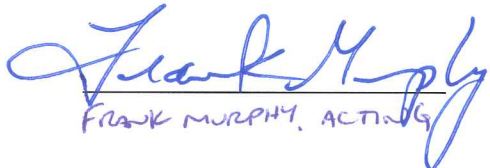
Program Office Representative:  08 Feb 2017
David Armah Date Signed

Contracting Officer:  08 Feb 2017
Kristin Fuller Date Signed

Office of General Counsel: See Attachment _____
Abbey Nawrocki Date Signed

Competition Advocate:  2/23/17
(Deputy CFO) Frank Murphy (BRANDS HOURS) ACTING Date Signed

Approval:

Head of the Contracting Activity:  02/23/2017
(or designee) FRANK MURPHY, ACTING Date Signed